

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

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F. BARRON STONE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
DUKE ENERGY CORPORATION,	)	
DUKE ENERGY BUSINESS	)	
SERVICES (DEBS),	)	
	)	
Defendants.	)	
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Case No.: 3:04-CV-277-MU

**ORDER**

This action is before the Court on Defendants’ Motion to Dismiss Counts I and II of the plaintiff’s Restated Complaint with prejudice. The plaintiff’s “Notice of Partial Dismissal Pursuant to Rule 41(a)” and “Second Notice of Partial Dismissal Pursuant to Rule 41(a)” are also before the Court.

The plaintiff is hereby notified that the Court intends to grant the defendants’ Motion to Dismiss Counts I and II of the plaintiff’s Restated Complaint with prejudice. The plaintiff shall have ten (10) days from the date of this Order to withdraw his Notices and to notify this Court of his intention to proceed with Counts I and II of his Restated Complaint. If the plaintiff does not withdraw the Notices and notify the court of his intention to proceed within ten days of the date of this Order,

the court will dismiss Counts I and II with prejudice.

IT IS SO ORDERED.

Signed: September 15, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

